

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RAFAEL A. JONES, SR.,	)	
	)	
Movant,	)	
	)	
v.	)	No. 4:12CV243 AGF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Jones’s motion to vacate under 28 U.S.C. § 2255. In the motion, Jones, who is serving a state imposed prison sentence, seeks to reverse an adverse judgment in a civil action. Section 2255 provides relief only to prisoners in custody under a federal sentence. As a result, Jones’s grounds for relief are not cognizable in § 2255 proceedings, and the Court will summarily dismiss this action. See 28 U.S.C. § 2255 Rule 4.

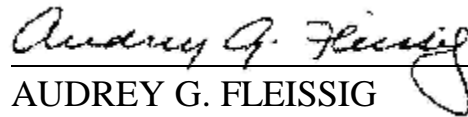
Moreover, the Court notes that Jones is a frequent filer of frivolous and malicious lawsuits, and he may not proceed in forma pauperis in civil actions because he has incurred at least three “strikes” under 28 U.S.C. § 1915(g). The instant filing appears to be an attempt to circumvent § 1915(g) through creative titling of his pleadings. This is impermissible.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability.

Dated this 21st day of February, 2012.

A handwritten signature in cursive script, reading "Audrey G. Fleissig", is written over a horizontal line.

AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE